

AMENDED IN SENATE MAY 5, 2003

SENATE BILL

No. 489

Introduced by Senator ~~Eseutia~~ Scott

February 20, 2003

An act to ~~add Section 1310 to the Welfare and Institutions Code, relating to juveniles; amend Sections 12126, 12130, and 12132 of the Penal Code, relating to firearms.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 489, as amended, ~~Eseutia~~ Scott. ~~Interstate Compact for Juveniles Firearms: chamber load indicators and magazine disconnected mechanisms.~~

Existing law defines "unsafe handgun" in regard to pistols based on certain criteria.

This bill would, in addition, commencing January 1, 2005, for firearms not already approved, as specified, include within the definition of an unsafe handgun, a center-fire semiautomatic pistol that does not have a chamber load indicator that is plainly visible in a contrasting color that clearly indicates to a person who is unfamiliar with the operation of a semiautomatic pistol that a cartridge is in the firing chamber or a center-fire or rimfire semiautomatic pistol that does not have a magazine disconnect mechanism that prevents the pistol from operating to strike the primer of ammunition in the firing chamber when a detachable magazine is not inserted in the pistol if the pistol has a detachable magazine. The bill would, in addition, commencing January 1, 2007, include within the definition of an unsafe handgun, a center-fire semiautomatic pistol that does not have both of those features.

By expanding the definition of “unsafe handgun,” the manufacture, sale, and other specified transfer of which is a crime, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program.

Existing law requires handguns to be submitted for testing to determine if they are unsafe handguns, as specified.

This bill would provide that commencing January 1, 2005, no center-fire semiautomatic pistol would be allowed to be submitted for that testing if it did have a chamber load indicator, and no center-fire or rimfire semiautomatic pistol that has a detachable magazine would be allowed to be submitted for that testing if the pistol does not have a magazine disconnect mechanism, as specified.

Existing law provides that, subject to exceptions, any person who manufactures, causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends any unsafe handgun is punishable by imprisonment in a county jail not exceeding one year.

This bill would add to existing exceptions to those provisions, the sale, loan, or transfer of any semiautomatic pistol that is to be used solely as a prop during the course of a motion picture, television, or video production by an authorized participant, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Interstate Compact on Juveniles, authorizes the Governor to execute for and on behalf of the state a compact with other party states, enacting remedies and procedures to effect the cooperative supervision of delinquent juveniles on probation or parole, the return of delinquent juveniles who has escaped, and the return of nondelinquent juveniles who have run away from home.~~

~~This bill would authorize the Governor to execute for and on behalf of the state the Interstate Compact for Juveniles to effect, through joint and cooperative agreement among the compacting states, that would, among other things, ensure that adjudicated juveniles and status offenders who are subject to the compact are provided with adequate supervision and services in the receiving state, ensure public safety interests of citizens, return juveniles who have run away, and provide~~

~~for the effective tracking and supervision of juveniles. This compact would supersede the previous compact, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes.
State-mandated local program: ~~no~~—yes.

The people of the State of California do enact as follows:

~~SECTION 1. Section 1310 is added to the Welfare and~~

SECTION 1. Section 12126 of the Penal Code is amended to read:

12126. As used in this chapter, “unsafe handgun” means any pistol, revolver, or other firearm capable of being concealed upon the person, as defined in subdivision (a) of Section 12001, for which any of the following is true:

(a) For a revolver:

(1) It does not have a safety device that, either automatically in the case of a double-action firing mechanism, or by manual operation in the case of a single-action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge.

(2) It does not meet the firing requirement for handguns pursuant to Section 12127.

(3) It does not meet the drop safety requirement for handguns pursuant to Section 12128.

(b) For a pistol:

(1) It does not have a positive manually operated safety device, as determined by standards relating to imported guns promulgated by the federal Bureau of Alcohol, Tobacco, and Firearms.

(2) It does not meet the firing requirement for handguns pursuant to Section 12127.

(3) It does not meet the drop safety requirement for handguns pursuant to Section 12128.

(4) *Commencing January 1, 2005, for a center-fire semiautomatic pistol that is not already listed on the roster pursuant to Section 12131, it does not have either a chamber load indicator, or a magazine disconnect mechanism.*

(5) *Commencing January 1, 2007, for all center-fire semiautomatic pistols that are not already listed on the roster pursuant to Section 12131, it does not have both a chamber load*

1 *indicator and if it has a detachable magazine, a magazine*
2 *disconnect mechanism.*

3 *(6) Commencing January 1, 2005, for all rimfire*
4 *semiautomatic pistols that are not already listed on the roster*
5 *pursuant to Section 12131, it does not have a magazine disconnect*
6 *mechanism, if it has a detachable magazine.*

7 *(c) As used in this section, a “chamber load indicator” means*
8 *a plainly visible device in a contrasting color that clearly indicates*
9 *to a reasonable person that a cartridge is in the firing chamber.*

10 *(d) As used in this section, a “magazine disconnect*
11 *mechanism” means a mechanism that prevents a semiautomatic*
12 *pistol that has a detachable magazine from operating to strike the*
13 *primer of ammunition in the firing chamber when a detachable*
14 *magazine is not inserted in the semiautomatic pistol.*

15 *(e) As used in this section, a “semiautomatic pistol” means a*
16 *pistol, as defined in subdivision (a) of Section 12001, the operating*
17 *mode of which uses the energy of the explosive in a fixed cartridge*
18 *to extract a fired cartridge and chamber a fresh cartridge with*
19 *each single pull of the trigger.*

20 *SEC. 2. Section 12130 of the Penal Code is amended to read:*

21 *12130. (a) Any pistol, revolver, or other firearm capable of*
22 *being concealed upon the person manufactured in this state,*
23 *imported into the state for sale, kept for sale, or offered or exposed*
24 *for sale, shall be tested within a reasonable period of time by an*
25 *independent laboratory certified pursuant to subdivision (b) to*
26 *determine whether that pistol, revolver, or other firearm capable*
27 *of being concealed upon the person meets or exceeds the standards*
28 *defined in Section 12126.*

29 *(b) On or before October 1, 2000, the Department of Justice*
30 *shall certify laboratories to verify compliance with the standards*
31 *defined in Section 12126. The department may charge any*
32 *laboratory that is seeking certification to test any pistol, revolver,*
33 *or other firearm capable of being concealed upon the person*
34 *pursuant to this chapter a fee not exceeding the costs of*
35 *certification.*

36 *(c) The certified testing laboratory shall, at the manufacturer’s*
37 *or importer’s expense, test the firearm and submit a copy of the*
38 *final test report directly to the Department of Justice along with a*
39 *prototype of the weapon to be retained by the department. The*
40 *department shall notify the manufacturer or importer of its receipt*

1 of the final test report and the department's determination as to
2 whether the firearm tested may be sold in this state.

3 *(d) (1) Commencing January 1, 2005, no center-fire*
4 *semiautomatic pistol may be submitted for testing pursuant to this*
5 *chapter if it does not have either a chamber load indicator as*
6 *defined in subdivision (c) of Section 12126, or a magazine*
7 *disconnect mechanism as defined in subdivision (d) of Section*
8 *12126 if it has a detachable magazine.*

9 *(2) Commencing January 1, 2007, no center-fire*
10 *semiautomatic pistol may be submitted for testing pursuant to this*
11 *chapter if it does not have both a chamber load indicator as*
12 *defined in subdivision (c) of Section 12126 and a magazine*
13 *disconnect mechanism as defined in subdivision (d) of Section*
14 *12126.*

15 *(3) Commencing January 1, 2005, no rimfire semiautomatic*
16 *pistol may be submitted for testing pursuant to this chapter if it has*
17 *a detachable magazine, and does not have a magazine disconnect*
18 *mechanism as defined in subdivision (d) of Section 12126.*

19 SEC. 3. Section 12132 of the Penal Code is amended to read:
20 12132. This chapter shall not apply to any of the following:

21 (a) The sale, loan, or transfer of any firearm pursuant to Section
22 12082 or 12084 in order to comply with subdivision (d) of Section
23 12072.

24 (b) The sale, loan, or transfer of any firearm that is exempt from
25 the provisions of subdivision (d) of Section 12072 pursuant to any
26 applicable exemption contained in Section 12078, if the sale, loan,
27 or transfer complies with the requirements of that applicable
28 exemption to subdivision (d) of Section 12072.

29 (c) The sale, loan, or transfer of any firearm as described in
30 paragraph (3) of subdivision (b) of Section 12125.

31 (d) The delivery of a pistol, revolver, or other firearm capable
32 of being concealed upon the person to a person licensed pursuant
33 to Section 12071 for the purposes of the service or repair of that
34 firearm.

35 (e) The return of a pistol, revolver, or other firearm capable of
36 being concealed upon the person by a person licensed pursuant to
37 Section 12071 to its owner where that firearm was initially
38 delivered in the circumstance set forth in subdivision (d).

39 (f) The return of a pistol, revolver, or other firearm capable of
40 being concealed upon the person by a person licensed pursuant to

1 Section 12071 to its owner where that firearm was initially
 2 delivered to that licensee for the purpose of a consignment sale or
 3 as collateral for a pawnbroker loan.

4 (g) The sale, loan, or transfer of any pistol, revolver, or other
 5 firearm capable of being concealed upon the person listed as a
 6 curio or relic, as defined in Section 178.11 of the Code of Federal
 7 Regulations.

8 (h) (1) The Legislature finds a significant public purpose in
 9 exempting pistols that are designed expressly for use in Olympic
 10 target shooting events. Therefore, those pistols that are sanctioned
 11 by the International Olympic Committee and by USA Shooting,
 12 the national governing body for international shooting
 13 competition in the United States, and that are used for Olympic
 14 target shooting purposes at the time that the act adding this
 15 subdivision is enacted, and that fall within the definition of
 16 “unsafe handgun” pursuant to paragraph (3) of subdivision (b) of
 17 Section 12126 shall be exempt, as provided in paragraphs (2) and
 18 (3).

19 (2) This chapter shall not apply to any of the following pistols,
 20 because they are consistent with the significant public purpose
 21 expressed in paragraph (1):

22	MANUFACTURER	MODEL	CALIBER
23	ANSCHUTZ	FP	.22LR
24	BENELLI	MP90	.22LR
25	BENELLI	MP90	.32 S&W LONG
26	BENELLI	MP95	.22LR
27	BENELLI	MP95	.32 S&W LONG
28	DRULOV	FP	.22LR
29	GREEN	ELECTROARM	.22LR
30	HAMMERLI	100	.22LR
31	HAMMERLI	101	.22LR
32	HAMMERLI	102	.22LR
33	HAMMERLI	162	.22LR
34	HAMMERLI	280	.22LR
35	HAMMERLI	280	.32 S&W LONG
36	HAMMERLI	FP10	.22LR
37	HAMMERLI	MP33	.22LR
38	HAMMERLI	SP20	.22LR
39	HAMMERLI	SP20	.32 S&W LONG
40	HAMMERLI	SP20	.32 S&W LONG

1	MORINI	CM102E	.22LR
2	MORINI	22M	.22LR
3	MORINI	32M	.32 S&W LONG
4	MORINI	CM80	.22LR
5	PARDINI	GP	.22 SHORT
6	PARDINI	GPO	.22 SHORT
7	PARDINI	GP-SCHUMANN	.22 SHORT
8	PARDINI	HP	.32 S&W LONG
9	PARDINI	K22	.22LR
10	PARDINI	MP	.32 S&W LONG
11	PARDINI	PGP75	.22LR
12	PARDINI	SP	.22LR
13	PARDINI	SPE	.22LR
14	SAKO	FINMASTER	.22LR
15	STEYR	FP	.22LR
16	VOSTOK	IZH NO. 1	.22LR
17	VOSTOK	MU55	.22LR
18	VOSTOK	TOZ35	.22LR
19	WALTHER	FP	.22LR
20	WALTHER	GSP	.22LR
21	WALTHER	GSP	.32 S&W LONG
22	WALTHER	OSP	.22 SHORT
23	WALTHER	OSP-2000	.22 SHORT

24
 25 (3) The department shall create a program that is consistent
 26 with the purpose stated in paragraph (1) to exempt new models of
 27 competitive firearms from this chapter. The exempt competitive
 28 firearms may be based on recommendations by USA Shooting
 29 consistent with the regulations contained in the USA Shooting
 30 Official Rules or may be based on the recommendation or rules of
 31 any other organization that the department deems relevant.

32 (i) *The sale, loan, or transfer of any semiautomatic pistol that*
 33 *is to be used solely as a prop during the course of a motion picture,*
 34 *television, or video production by an authorized participant*
 35 *therein in the course of making that production or event or by an*
 36 *authorized employee or agent of the entity producing that*
 37 *production or event.*

38 SEC. 4. *No reimbursement is required by this act pursuant to*
 39 *Section 6 of Article XIII B of the California Constitution because*
 40 *the only costs that may be incurred by a local agency or school*

1 *district will be incurred because this act creates a new crime or*
2 *infraction, eliminates a crime or infraction, or changes the penalty*
3 *for a crime or infraction, within the meaning of Section 17556 of*
4 *the Government Code, or changes the definition of a crime within*
5 *the meaning of Section 6 of Article XIII B of the California*
6 *Constitution.*

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**All matter omitted in this version of the
bill appears in the bill as introduced in the
Senate, February 20, 2003 (JR 11)**

